

Order 97-5-2

**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.**

SERVED MAY 9, 1997

Issued by the Department of Transportation
May 5, 1997

In the matter of

AIR-INDIA LIMITED

Docket OST-97-2296

ORDER REMOVING REQUIREMENT TO FILE SCHEDULES

In this order we are vacating an earlier action imposing Phase 1 schedule-filing requirements of Part 213 (14 CFR Part 213) of the Department's regulations on Air-India Limited, a foreign air carrier of India.

By Order 97-4-3, issued April 2, 1997, we imposed Phase 1 schedule-filing requirements of Part 213 on Air-India Limited's U.S. services. We took this action in response to the Government of India's refusal to approve requests of United Air Lines, Inc. and Northwest Airlines, Inc. to commence certain third-country code-share services in the U.S.-India market. United sought to commence code-share services with Lufthansa German Airlines between Frankfurt and Mumbai and Frankfurt and Madras, and Northwest proposed to commence similar services with KLM Royal Dutch Airlines between Amsterdam and Mumbai. The type of third-country code share services at issue were expressly provided for in a 1995 U.S.-India Memorandum of Consultations.¹

On April 30, 1997, we received official notification from the Embassy of India in Washington, D.C. that the Government of India had agreed to give United and Northwest the necessary operating authorizations to operate their respective code-

¹ The Air Transport Agreement between the United States and India (the Agreement) provides for the operation of air services between the two countries. On December 2, 1995, the United States and India concluded a Memorandum of Consultations (1995 MOC) which establishes rights for the carriers of both sides to provide service through cooperative service arrangements (including code-share and blocked-space arrangements involving carriers of third countries).

share services to India with Lufthansa and KLM. Both United and Northwest have confirmed to us that they have received the desired authorizations.

We have decided to vacate Order 97-4-3 and thereby to remove the Phase 1 schedule-filing requirement we imposed on Air-India. In view of the Government of India's approval of the aforementioned third-country code-share services of United and Northwest, we conclude that the schedule-filing requirement is no longer needed.

ACCORDINGLY,

1. We vacate Order 97-4-3, requiring Air-India Limited to file schedules of all its U.S. services; and
2. We shall serve a copy of this order on Air-India Limited; United Air Lines, Inc.; Northwest Airlines, Inc.; Delta Air Lines, Inc.; Emery Worldwide Airlines, Inc.; the Embassy of India in Washington, D.C.; the Department of State (Office of Aviation Negotiations); and the Federal Aviation Administration.

By:

CHARLES A. HUNNICUTT
Assistant Secretary for Aviation
and International Affairs

(SEAL)

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